

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MAY 15, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk.

The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of May 8, 2000, reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**PUBLIC HEARING**

APPROVING A CONTRACT BETWEEN THE CITY, LINCOLN HAYMARKET DEVELOPMENT CORP., & DOWNTOWN LINCOLN ASSOC. TO OPERATE & REGULATE A MID-WEEK PUBLIC MARKET IN THE MARKETPLACE AREA AT 12TH ST. FROM Q TO R ST. & R ST. FROM 12TH TO 13TH STS. - Polly McMullen, Downtown Lincoln Assoc., 1200 N St., Suite 101: Joining me today are Billene Nemec, who's in her 16th year as the manager of the very successful Haymarket Farmers Market, Michelle Waite from the University of Nebraska Chancellor's Office & Dallas McGee & Ron Cane from the Urban Development Dept. We're all very please to be here today to bring you a proposal to expand the very successful Saturday Market in the Haymarket to a mid-week market on the University of Nebraska Main Campus. This project is a cooperative effort involving the DLA, the City, the Haymarket Development Corp. & the University. With your approval, this new market will begin on Tues., June 6th & will take place every Tuesday in June & July, except for the 4th of July, from 4:30 to 7:30 p.m. The location for this market is truly one of the most beautiful settings in our Downtown. It's adjacent to the Lied Plaza in the 12th & R area by the Temple Building & the College of Business Administration on the University Campus. This market will have it's own very distinct flavor & personality, different from the Saturday market. It is, in now way, intended to compete with or draw away from the Saturday market. Rather, what it is intended to do is provide an additional outlet for the Saturday vendors as well as an after work attraction for people who work in the Downtown & on campus. Hopefully, also, it will pull in some new consumers who come to campus for some of the related events that you're going to be hearing about shortly. I'll turn things over to Billene in a minute to tell you some of the special features of this market & then Michelle from the University will say a few words as well. In closing, I would say that this project has been a real labor of love for all of us who worked on it these last few months & I think we feel it will be a great addition to the Downtown summer event scene not only this summer but hopefully many, many summers into the future. Thank you.

Billene Nemec, Lincoln Haymarket Development Corp., 335 N. 8th, Ste B., The Hardy Bldg.: Just want to tell you a little bit about the fun things about this market & how it's different. The subtitle for this market is Fine Food & Fine Arts. The reason why we chose this because we are showcasing some of the regions finest produce & the University of Nebraska's arts & the Haymarket galleries. Those involved are real excited because one of the fun things that was happening at this market is that the University Dairy Store is going to have a booth there & everyone always gets that glint in their eye when they hear that. It's a smaller size which makes it really a nice intimate market set in this really, like Polly said, a really beautiful setting down at the campus & it's a park atmosphere & I think people will enjoy being able to spend some time in this intimate market. Also we are working in coordination with Jazz in June & that's the reason why our hours are 4:30 to 7:30 so people can come & get a little produce & some snacks & then go spread their blankets & listen to the jazz. Also, another exciting event in this market is that Backyard Farmer, one of the longest running programs on TV, is going to do a live broadcast in July, on July 11th, from the market & we know that's going to be a really exciting time for everyone to come & bring down their garden problems & be a part of the market. I'll turn it over to Michelle now.

Michelle Waite, UNL Chancellor's Office, 201 Administration: I'm pretty much going to echo what both Billene & Polly had indicated before

me. We appreciate the opportunity & we're very excited about our partnership with the City & the DLA as well as the Haymarket Assoc. to be able to offer another venue as well as participation by other University Departments in the mid-week market. Besides the Jazz in June event in June, another event that takes place in July, which I was not aware of, is an event called Tuesday Tales which also takes place on Tuesday evenings. It's a storytelling event that happens on the steps of Architecture Hall. So, instead of Jazz in June, in July, it will be Tuesday Tales. You also need to know how helpful your City departments have been in this endeavor. There's a lot of times where a concept will be envisioned by groups of well-intended people & sometimes that doesn't come to fruition. But I can tell you all parties involved have been very excited & have lent all kinds of assistance in this endeavor. I'll close & respectfully request your approval of the ordinance.

Coleen Seng, Council Member: Michelle, are other...do you know of other Universities that are doing this, having a Farmers Market?

Ms. Waite: Do you know I don't know, I don't know. Polly & I actually discussed this late last fall, in fact, right before the first part of the year & this came up so quickly, I don't think any of us have had a chance to even look & see what other Universities are doing but we're real excited about this. The Chancellor's real excited about this. So, I think it'll be great fun.

Dallas McGee, Urban Dev.: I would just like to indicate that the City has been involved in discussions with both University, DLA, & Lincoln Haymarket Development Corp. for the last 2 or 3 months. We've had numerous meetings where we've discussed everything from concepts to specifics & have worked very well with the events team of the City as well as the coordinating the efforts of the City Police Dept. with the University Police & trying to minimize the impact on traffic & adjacent businesses. So, we think that this site will work very well & we look forward to a mid-week Farmers Market. I'd be happy to answer any questions.

Jonathan Cook, Council Member: What are the hours again?

Mr. McGee: I believe it's 4:30 to 7:30.

Mr. Cook: Okay. I noticed just while we were speaking here there's an article about it right here that says from 5 to 8 but there's one day, July 11th, it says from 12 p.m. to 8:30 p.m. in the contract. Why is that longer that day?

Mr. McGee: That's because of the Backyard Farmer & the need for the setup time for that event.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF UP TO BUT NOT TO EXCEED \$3,500,000 CITY OF LINCOLN, NEBRASKA MUNICIPAL INFRASTRUCTURE REDEVELOPMENT FUND BONDS, SERIES 2000 - Clerk: We do have a request that this ordinance also have 3rd Reading today.

Ms. Seng: Paul, just a minute, we have some questions.

Clerk: Okay.

Ms. Seng: Who would you like? You want...

Jeff Fortenberry, Council Member: Staff. I assume Don Herz.

Ms. Seng: And probably Bond Counsel.

Mr. Fortenberry: Give an overview of this legislation, please.

Don Herz, Finance Dept.: The purpose of this ordinance is to allow us to issue MIRF bonds to finance the F St. Rec. Center Proj. That's a project that will be ready to begin shortly after the first of June & seating with the financing plan right now with bond counsel & with our financial advisor. And I don't know, Loren, if you want to add any (inaudible) on that.

Loren Wismer, Cline Williams Law Firm, 233 S. 13th St.: I think the MIRF legislation, as you know, has been in place for a number of years. It authorizes an allocation of cigarette tax to the municipalities in the State of Nebraska & as the legislation was initially adopted, it permitted cities to pledge those funds for the payment of indebtedness but nowhere did it specifically authorize municipalities to issue indebtedness that could be payable from MIRF funds. That defect in the legislation was remedied during the last session of the legislature when the legislature gave Cities & Villages across the State of Nebraska the ability to issue bonds. There were some restrictions, however, that were placed on it. Number one, the debt service on the bonds could not exceed the annual appropriation, the current annual appropriation, from the Municipal Infrastructure Redevelopment Fund. And, number 2, they could not have a final maturity later than Aug. 1, 2009. And, number 3, the City can levy a tax within its levy limitations, 45 cents per \$100 of actual valuation, only to the extent necessary to make up any deficiencies in the MIRF appropriations from the State Legislature. And that part of it was

included because when the initial MIRF legislation was drafted, there was \$4.5 million set aside for municipalities. And that appropriation was reduced to \$3 million a few years ago. And so to protect the City & bond holders against any potential future reductions in MIRF appropriations, the Legislature did authorize City's which have issued MIRF Bonds, if I can call them that, to make a levy to make up the short fall. I think that in a nutshell is the legislation. Maybe just a word or two. It's the Municipal Infrastructure Redevelopment Fund & that would include almost any kind of project that the City would want to undertake from streets to sewer to water to public buildings &, in this case, a recreation/community activity center.

Mr. Fortenberry: Does the annual appropriation that is given to us from MIRF money cover the debt service of this bond?

Mr. Herz: Yes, yes, it does. In fact, it covers it to the tune of 110%. We decided to reduce the amount that we would bond by that percent & I should add that we've been going through the process of getting these rated & just this morning I learned that Standard & Poors will give this a Triple A rating. So, I think it's...

Mr. Fortenberry: What's the maturity date on this? 2009?

Mr. Wismer: Aug. 1, 2009. Right now it's anticipated that it will have principle maturities on Aug. 1 of each year with semi-annual interest payments on Feb. 1 & Aug. 1. The amounts that the City receives from the State, from the MIRF Fund, are allocated to the City or paid to the City 5 days prior to each July 1 & Jan. 1 to coincide with the State's fiscal year.

Mr. Fortenberry: And there has been a track record that's substantial enough to secure our debt service in the future in all likelihood.

Mr. Herz: I'm confident of that. And the MIRF funds are distributed based on population & the City's population has been growing faster than the State average so I would anticipate that our portion of that \$3 million will at least stay level or perhaps even grow.

Ms. Seng: Let's see, Paul wanted to know if there was a motion here to have a 3rd Reading.

Mr. Fortenberry: So moved.

Mr. Cook: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

APP. OF PEOPLE'S CITY MISSION FOUNDATION AT 110 Q ST. TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN THROUGH AUGUST 19, 2000 - Caroline Kroeker, People's City Mission: We are just asking for permission to raffle a corvette which has been made available by Sonic restaurants. If there are any questions, I'd be happy to answer them.

This matter was taken under advisement.

APPROVING OR DENYING A REQUESTED TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM A SUBSIDIARY OF TIME WARNER INC. TO AOL TIME WARNER INC. - Clerk: Our City Attorney has informed me that he requests that this item be placed on pending?

Dana Roper, City Attorney: That's correct. The City & TimeWarner have agreed to extend the period to take action on the merger, the TimeWarner/AOL merger, to approve the control change & that extension is from June 7th to July 11th of this year. So, by July 11th, we'll be back to you in one fashion or another.

Mr. Fortenberry: Move to put this on pending.

Mr. Cook: Second.

Jon Camp, Council Member: One question, will we have public hearing at that point then?

Clerk: Yes, we would.

Ms. Seng: Dana, that would be with public hearing?

Mr. Roper: Yes.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

APPROVING THE LICENSE AGRMT. BETWEEN THE CITY & PGA PROFESSIONAL DENIS M. VONTZ FOR GOLF PROFESSIONAL/MANAGERS AT PIONEERS GOLF COURSE FOR A 3-YR. PERIOD FROM JUNE 1, 2000 THROUGH APRIL 30, 2003 - Steve Hiller, Parks & Rec., came forward to answer any questions.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Robert Valentine, 2660 Park Ave., came forward re: the City's sidewalk repair policy; inquired how citizens request repairs or replacement of sidewalks. Roger Figard, Public Works, responded that the City does have a sidewalk repair program & any homeowner that is interested in doing repair can contact the Sidewalk Office of Engineering Services; there is a reimbursement program where if you're interested in doing some of the work, the City can reimburse you rather than waiting for a City contract to come through. Mister Valentine also inquired about getting some of the unpaved streets in the City paved; Ms. Seng replied that the adjacent property owners have to submit a petition for paving, the City just can't go in & do it & assess them.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward re: seeing ambulances speeding, ignoring stop signs, etc.; presented letter re: this issue; Camp directed him to report those that violate the law.

Tim Bjoral, 740 Glacier Trail, a Rural Metro employee, came forward re: ambulance service in the City of Lincoln; wants to see Rural Metro retain the contract.

These matters were taken under advisement.

#### ORDINANCES - 3RD READING

AUTHORIZING THE ISSUANCE OF \$3,500,000 CITY OF LINCOLN, NEBRASKA MUNICIPAL INFRA-STRUCTURE REDEVELOPMENT FUND BONDS, SERIES 2000 - CLERK read an ordinance, introduced by Jerry Shoecraft, authorizing & providing for the issuance, sale, & delivery of up to but not to exceed \$3,500,000 City of Lincoln, Nebraska, Municipal Infrastructure Redevelopment Fund Bonds, Series 2000, the third time.

SHOECRAFT Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17667**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3241 - APP. OF PEARLE FINIGAN FOR A CHANGE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 84TH ST. & WAVERLY RD. - PRIOR to reading:

COOK Moved to place Bill 00-87 on Pending for 2 weeks to 5/30/00.

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

CHANGE OF ZONE 3250 - APP. OF THE PLANNING DIRECTOR TO AMEND CHAPTER 27.71 OF THE LMC TO ADD A SECTION TO THE ZONING ORDINANCE TO MAKE POSSIBLE A USE PERMIT UPON A PREMISES WHICH DOES NOT MEET THE MINIMUM DISTRICT ACREAGE REQUIREMENT OF THE O-3 OFFICE PARK, B-2 PLANNED NEIGHBORHOOD BUSINESS, B-5 PLANNED REGIONAL BUSINESS OR I-3 EMPLOYMENT CENTER DIST. - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 27.71 of the LMC, Additional Height & Area Regulations, by adding a new section numbered 27.71.260 to allow a use permit upon a premises which does not meet the minimum total acreage requirement for approval of a use permit in the O-3, B-2, B-5, or I-3 Zoning Dist. & providing conditions for approval of such use permit, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17668**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 68HP - APP. OF THE LINCOLN WOMAN'S CLUB FOR A LANDMARK DESIGNATION FOR THE WOMEN'S CLUB CLUBHOUSE AT 407 S. 14TH ST. - CLERK read an ordinance, introduced by Annette McRoy, amending the City of Lincoln Dist. Map attached to & made a part of Title 27 of the LMC by designating the building at 407 S. 14th St., Lincoln, Nebraska as a Landmark, the third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered **17669**, is recorded in Ordinance Book 24, Page

AMENDING TITLE 2 OF THE LMC RELATING TO THE FIRE DEPT. TO DELETE REFERENCES TO THE BUREAU OF FIRE PREVENTION; RELATING TO THE DUTIES & RESPONSIBILITIES OF THE FIRE CHIEF TO DELETE THE RESPONSIBILITY TO INQUIRE INTO THE CAUSE OF ALL FIRES WHICH MAY OCCUR IN THE CITY, TO KEEP RECORDS THEREOF, & REPEALING THE SECTION REGARDING THE INVESTIGATION OF FIRES IN THE CITY - CLERK read an ordinance, introduced by Annette McRoy, amending Title 2 of the LMC by amending Sec. 2.02.060 relating to the Fire Dept. to delete references to the Bureau of Fire Prevention; amending Sec. 2.20.010 relating to the duties & responsibilities of the Fire Chief to delete the responsibility to inquire into the cause of all fires which may occur in the city & to keep records thereof; & repealing Sec. 2.20.160, relating to the investigation of fires in the city, in its entirety; & repealing Secs. 2.02.060 & 2.20.010 of the LMC as hitherto existing, the third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered **17670**, is recorded in Ordinance Book 24, Page

CREATING PAVING DIST. 2617 IN 73RD ST. FROM CUMING TO THURSTON STS. - PRIOR to reading:

JOHNSON Moved to amend Bill 00-76 by deleting the comma in line 4, page 1, after the word "thereof" & inserting in lieu thereof a comma & adding the following language: provided, however, that such special assessments shall be paid out of the CDBG Special Assessment Paving Program funds for property owners earning at or below 50% of the City's median income,

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, creating Paving Dist. 2617, defining the limits thereof, establishing the width of the roadway to be paved & the width of the grading to be done, providing for the curbing, guttering, & relaying of sidewalks, providing for the payment of the cost thereof, provided, however, that such special assessments shall be paid out of the CDBG Special Assessment Paving Program funds for property owners earning at or below 50% of the City's median income, designating the property to be benefited, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the third time.

FORTENBERRY Moved to pass the ordinance as amended.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered **17661**, is recorded in Ordinance Book 24, Page

#### PETITIONS & COMMUNICATIONS

UNL MICROBIOLOGIST REPORT OF WATER TESTED FOR THE MONTH OF APRIL, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

FIVE PETITIONS TO VACATE PUBLIC WAY IN W. PINE LAKE RD. ABUTTING LAZY ACRES SUBDIVISION SUBMITTED BY CHARLES & LOUISE KINER, EMILY HARRIS, DIANNE REZNICEK, MELVA PLOUZEK, & JOAN KIPLE - CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY IN FIELD & HOLMES SUB., BLOCK 2, LOTS 1 THRU 4 SUBMITTED BY GUADALUPE & HELEN DELGADO - CLERK presented said petition which was referred to the Law Dept.

REGULAR MEETING  
MAY 15, 2000  
PAGE 24

APP. OF ST. THOMAS AQUINAS CHURCH/NEWMAN CENTER TO CONDUCT A RAFFLE & A LOTTERY  
WITHIN THE CITY OF LINCOLN - CLERK requested a motion to set the hearing  
date for Mon., May 22, 2000.

CAMP So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp,  
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**THE FOLLOWING APPLICATIONS WERE REFERRED TO THE PLANNING DEPT.:**

Change of Zone 3256 - App. of Planning Director for a text change amendment to  
LMC Sec. 27.58.070.

Change of Zone 3258 - App. of Planning Director for a change from P to I-1 on  
property at N. 6th & BNRR.

Use Permit 129 - App. of R. C. Krueger Development to develop & construct a  
commercial area in the B-2 Zoning Dist. at S. 14th & Vavrina Blvd.

Special Permit 1838 - App. of Irvin Cidlik to expand the DAV Lounge at 3901 N.  
70th.

Special Permit 1840 - App. of Angie Muhleisen to build a parking lot at 47th &  
Hillside.

Special Permit 1841 - App. of Donald Spilker to waive the setback requirement to  
store vehicles for sale or re-sale in the front yard at 2900 Cornhusker  
Hwy.

**REPORTS TO CITY OFFICERS**

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON MAY 1,  
2000 - CLERK presented said report which was placed on file in the Office  
of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by  
Jon Camp, who moved its adoption:

A-80186 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln,  
Nebraska:

That the attached list of investments be confirmed & approved, & the  
City Treasurer is hereby directed to hold said investments until maturity  
unless otherwise directed by the City Council. (Investments beginning  
05/5/00)

Introduced by Jon Camp

Seconded by Johnson on & carried by the following vote: AYES: Camp,  
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MONTH  
OF APRIL, 2000 - CLERK presented said report which was placed on file in  
the Office of the City Clerk. (8-71)

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **MARCH, 2000:**  
CALLS FOR LESS, GE CAPITAL COMMS.; **APRIL, 2000:** OPERATOR COMMS., ONE CALL  
COMMS. - CLERK presented said report which was placed on file in the  
Office of the City Clerk. (20)

CITY TREASURER'S MONTHLY CITY CASH REPORT AT THE CLOSE OF BUSINESS APRIL 30,  
2000 - CLERK presented said report which was placed on file in the Office  
of the City Clerk. (5-21)

ASSESSMENT RESOLUTIONS FOR SPECIAL ASSESSMENT GROUP I, BOARD OF EQUALIZATION  
MEETING, MAY 22, 2000, AT 10:00 A.M. - CLERK read the following resolu-  
tion, introduced by Jon Camp, who moved their adoption.

Seconded by Johnson & carried by the following vote: AYES: Camp,  
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DIS-  
POSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF APRIL 16 THROUGH  
30, 2000 - CLERK read the following resolution, introduced by Jon Camp,  
who moved its adoption:

A-80181 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit  
"A", dated May 1, 2000, of various new & pending tort claims filed against  
the City of Lincoln with the Office of the City Attorney or the Office of  
the City Clerk, as well as claims which have been disposed of, are hereby  
received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The  
dispositions of claims by the Office of the City Attorney, as shown by the  
attached report, are hereby approved:

DENIED

ALLOWED

Lorraine S. Danner (Gonzales) \$ 80.00 Van Leech, Leech Insur-

Ruby Chloupek, Personal Representative of the Estate of Benjamin Chloupek	1,000,000.00	ance Agency, & John Kreinhop	\$183.37
Brenda Willet, Personal Representative of the Estate of Kevin Willet	1,000,000.00		
Todd Willet	1,000,000.00		
Brenda Willet	250,000.00		

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### OTHER RESOLUTIONS

APP. OF PEOPLE'S CITY MISSION FOUNDATION AT 110 Q ST. TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN THROUGH AUGUST 19, 2000 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80179 WHEREAS, People's City Mission Foundation has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code (LMC); &

WHEREAS, said application complies with all of the requirements of Sec. 9.32.030 of the LMC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Sec. 9.32.050 of the LMC, the City Council does hereby grant a permit to People's City Mission Foundation to conduct a raffle in the City of Lincoln in accordance with the application filed by Carolyn Kroeker. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific raffles described in said application & only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions & requirements of Chapter 9.32 of the LMC.

BE IT FURTHER RESOLVED that pursuant to Sec. 9.32.080 of the LMC, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, & if unpaid at that time, shall thereafter be delinquent.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING OR DENYING A REQUESTED TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM A SUBSIDIARY OF TIME WARNER INC. TO AOL TIME WARNER INC. - PRIOR to reading:

FORTENBERRY Moved to place Bill 00R-140 on Pending.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE LICENSE AGRMT. BETWEEN THE CITY & PGA PROFESSIONAL DENIS M. VONTZ FOR GOLF PROFESSIONAL/MANAGERS AT PIONEERS GOLF COURSE FOR A 3-YR. PERIOD FROM JUNE 1, 2000 THROUGH APRIL 30, 2003 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80180 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the license agreement which is attached hereto, marked as Attachment "A" & made a part hereof by reference, under which Denis M. Vontz is granted the privilege of operating certain business concessions & rendering professional golf services at Pioneers Golf Course & Clubhouse for a three-year period from June 1, 2000 through April 30, 2003, upon the terms & conditions as fully set forth in said license agreement, is hereby accepted & approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute said license agreement on behalf of the City.

REGULAR MEETING  
MAY 15, 2000  
PAGE 26

The City Clerk is directed to return two fully executed copies of said Golf License Agreement to the Director of Parks & Recreation, one for his files & one to be transmitted to Denis M. Vontz.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING ROGER KREIFELS & MIKE BARRY TO THE GAS PIPING EXAM BOARD FOR 3-YR. TERMS EXPIRING APRIL 1, 2003 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80182 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Roger Kreifels & Mike Barry to the Gas Piping Exam Board for a three-year terms expiring April 1, 2003, is hereby approved.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING MATT MORRISSEY, DOUG BIGGERSTAFF, & MIKE MCNIFF TO THE GAS PIPING EXAM BOARD FOR 3-YR. TERMS EXPIRING APRIL 1, 2003 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80183 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Matt Morrissey, Doug Biggerstaff, & Mike McNiff to the Gas Piping Exam Board for a 3-year terms expiring April 1, 2003 is hereby approved.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING GINA C. DUNNING AS THE DIRECTOR OF THE LINCOLN AREA AGENCY ON AGING - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80184 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the nomination by Mayor Don Wesely with concurrence of the Lancaster County Board to appoint Gina C. Dunning as the Director of the Lincoln Area Agency on Aging effective May 22, 2000 is hereby approved.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF TUES., MAY 30, 2000 AT 6:30 P.M. ON THE APP. OF AQUAMATIC, INC. DBA U-STOP CONVENIENCE SHOP FOR A RETAIL CLASS B LIQUOR LICENSE AT 2700 SOUTH ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80185 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., April 10, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Aquamatic, Inc. dba U-Stop Convenience Shop for a Retail Class B Liquor License at 2700 South St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**ORDINANCES - 1ST & 2ND READING**

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 251.6 ACRES OF PROPERTY GENERALLY LOCATED AT N. 84TH ST. & HAVELOCK AVE. (IN CONNECTION W/00R-151) - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 17 of Ord. 8730, passed 5/17/65, as last amended by Sec. 3 of Ord. 17109, passed 12/2/96, defining the corporate limits of the City of Lincoln, Nebraska; & repealing said Sec. 17 of Ord. 8730, passed 5/17/65, as last amended by Sec. 3 of Ord. 17109, passed 12/2/96, as hitherto existing, the first time.

CHANGE OF ZONE 3251 - AMENDING SECS. 27.58.010 & 27.58.020 OF THE LMC TO AMEND THE REFERENCE FROM "COMPREHENSIVE PLAN FIGURE 21" TO "OFFICIAL ZONING MAP OF THE CITY OF LINCOLN" - CLERK read an ordinance, introduced by Jon Camp,



amending Secs. 27.58.010 & 27.58.020 of the LMC to amend the reference from "Comprehensive Plan Figure 21" to "Official Zoning Map of the City of Lincoln"; & repealing Secs. 27.58.010 & 27.58.020 of the LMC as hitherto existing, the first time.

AMENDING TITLE 5 OF THE LMC BY ADDING A NEW CHAPTER 5.17 PERTAINING TO TELECOMMUNICATIONS PROVIDERS USING THE CITY'S RIGHTS-OF-WAY TO ESTABLISH DEFINITIONS, STANDARDS, & PERMIT FEES FOR THE USE OF RIGHTS-OF-WAY; TO PROVIDE FOR INSURANCE, BONDING, & CONSTRUCTION STANDARDS FOR TELECOMMUNICATIONS FACILITIES LOCATED IN RIGHTS-OF-WAY; TO ESTABLISH PROCEDURES FOR REVIEWS OF DECISIONS REGARDING TELECOMMUNICATIONS FACILITIES; & TO PROVIDE FOR ENFORCEMENT OF THIS ORDINANCE - CLERK read an ordinance, introduced by Jon Camp, amending Title 5 of the LMC by adding a new Chapter 5.17 pertaining to telecommunications providers using the City's right-of-way to establish definitions, standards, & permit fees for the use of right-of-way; to provide for insurance, bonding & construction standards for telecommunications facilities located in the right-of-way; to establish procedures for reviews of decisions regarding telecommunications facilities; & to provide for enforcement of this ordinance, the first time.

ADOPTING A REVISED EMPLOYEE'S RETIREMENT PLAN TO ELIMINATE OUTDATED, OBSOLETE LANGUAGE; TO CHANGE PROVISIONS REGARDING EMPLOYEE CONTRIBUTIONS; TO PROVIDE FOR PRE-TAX CONTRIBUTIONS; TO CHANGE THE VESTING SCHEDULE; TO ELIMINATE PROVISIONS RELATING TO FORFEITURES OF CITY CONTRIBUTIONS; TO CHANGE PROVISIONS REGARDING RE-PARTICIPATION IN THE RETIREMENT PLAN AFTER A BREAK IN SERVICE WITH THE CITY; & TO CHANGE PROVISIONS RELATING TO EARLY RETIREMENT - PRIOR to reading:

CAMP Moved to place Bills 00-101, 00-102, 00-103 & 00-104 on Pending.  
Seconded by Johnson.

FORTENBERRY Moved to place just Bill 00-101, not the others, on Pending until June 5, 2000.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jerry Shoecraft, adopted a revised version of the Employees' Retirement Plan to eliminate outdated, obsolete language; to change provisions regarding employee contributions; to provide for pre-tax contributions; to change the vesting schedule; to eliminate provisions relating to forfeitures of City contributions; to change provisions regarding re-participation in the retirement plan after a break in service with the City; to change provisions relating to early retirement; & repealing Ord. 16055 as hitherto existing, the first time.

AMENDING CHAPTER 2.62 OF THE LMC RELATING TO THE POLICE & FIRE PENSION PLAN - PLAN "A" BY AMENDING SEC. 2.62.020 TO PROVIDE FOR A DEFINITION OF "DROP", THE DEFERRED RETIREMENT OPTION PLAN, FOR THE POLICE & FIRE PENSION PLAN "A"; & ADDING A NEW SECTION NUMBERED 2.62.045 TO ESTABLISH THE REQUIREMENTS FOR PARTICIPATION BY POLICE & FIRE PENSION PLAN "A" MEMBERS IN THE DEFERRED RETIREMENT OPTION PLAN - PRIOR to reading:

CAMP Moved to place Bills 00-101, 00-102, 00-103, & 00-104 on Pending; seconded by Johnson; no vote taken due to substitute motion by Fortenberry to just place Bill 00-101 on Pending.

CLERK Read an ordinance, introduced by Jerry Shoecraft, amending Chapter 2.62 of the LMC relating to the Police & Fire Pension Plan - Plan "A" by amending Sec. 2.62.020 to provide for a definition of "DROP", the Deferred Retirement Option Plan, for the Police & Fire Pension Plan "A"; adding a new section numbered 2.62.045 to establish the requirements for participation by Police & Fire Pension Plan "A" members in the Deferred Retirement Option Plan; & repealing Sec. 2.62.020 of the LMC as hitherto existing, the first time.

AMENDING CHAPTER 2.65 OF THE LMC RELATING TO THE POLICE & FIRE PENSION PLAN - PLAN "B" BY AMENDING SEC. 2.65.020 TO PROVIDE FOR A DEFINITION OF "DROP", THE DEFERRED RETIREMENT OPTION PLAN FOR THE POLICE & FIRE PENSION PLAN "B"; & ADDING A NEW SECTION NUMBERED 2.65.045 TO ESTABLISH THE REQUIREMENTS FOR PARTICIPATION BY POLICE & FIRE PENSION PLAN "B" MEMBERS IN THE DEFERRED RETIREMENT OPTION PLAN - PRIOR to reading:

CAMP Moved to place Bills 00-101, 00-102, 00-103, & 00-104 on Pending; seconded by Johnson; no vote taken due to substitute motion by Fortenberry to just place Bill 00-101 on Pending.

CLERK Read an ordinance, introduced by Jerry Shoecraft, amending Chapter 2.65 of the LMC relating to the Police & Fire Pension Plan - Plan "B" by

amending Sec. 2.65.020 to provide for a definition of "DROP", the Deferred Retirement Option Plan, for the Police & Fire Pension Plan "B"; adding a new section numbered 2.65.045 to establish the requirements for participation by Police & Fire Pension Plan "B" members in the Deferred Retirement Option Plan; & repealing Sec. 2.65.020 of the LMC as hitherto existing, the first time.

AMENDING CHAPTER 2.66 OF THE LMC RELATING TO THE POLICE & FIRE PENSION PLAN - PLAN "C" BY AMENDING SEC. 2.66.020 TO PROVIDE FOR A DEFINITION OF "DROP", THE DEFERRED RETIREMENT OPTION PLAN FOR THE POLICE & FIRE PENSION PLAN "C"; & ADDING A NEW SECTION NUMBERED 2.66.045 TO ESTABLISH THE REQUIREMENTS FOR PARTICIPATION BY POLICE & FIRE PENSION PLAN "C" MEMBERS IN THE DEFERRED RETIREMENT OPTION PLAN - PRIOR to reading:

CAMP Moved to place Bills 00-101, 00-102, 00-103, & 00-104 on Pending; seconded by Johnson; no vote taken due to substitute motion by Fortenberry to just place Bill 00-101 on Pending.

CLERK Read an ordinance, introduced by Jerry Shoecraft, amending Chapter 2.66 of the LMC relating to the Police & Fire Pension Plan - Plan "C" by amending Sec. 2.66.020 to provide for a definition of "DROP", the Deferred Retirement Option Plan, for the Police & Fire Pension Plan "C"; adding a new section numbered 2.66.045 to establish the requirements for participation by Police & Fire Pension Plan "C" members in the Deferred Retirement Option Plan; & repealing Sec. 2.66.020 of the LMC as hitherto existing, the first time.

APPROVING A CONTRACT BETWEEN THE CITY, LINCOLN HAYMARKET DEVELOPMENT CORP., DOWNTOWN LINCOLN ASSOC., & THE UNIVERSITY OF NEBRASKA-LINCOLN TO OPERATE & REGULATE A MID-WEEK PUBLIC MARKET IN THE MARKETPLACE AREA AT 12TH ST. FROM Q TO R ST. & R ST. FROM 12TH TO 13TH STS. - CLERK read an ordinance, introduced by Jerry Shoecraft, accepting & approving the contract between the City of Lincoln, Nebraska, Lincoln Haymarket Development Corp., & Downtown Lincoln Assoc. for establishment & regulation of a mid-week public market in the marketplace area from June 6 through July 25, 2000, & authorizing the Mayor to sign such Contract on behalf of the City, the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "M" BY CHANGING THE TITLE OF "CITY AUDITOR" TO "CITY CONTROLLER" - CLERK read an ordinance, introduced by Jerry Shoecraft, amending Sec. 5 of Ord. 17539 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by changing the class title "City Auditor" to "City Controller", the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" BY DELETING THE TITLES OF "ENGINEERING TECHNICIAN III" & "ENGINEERING TECHNICIAN IV" - CLERK read an ordinance, introduced by Jerry Shoecraft, amending Sec. 1 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by deleting the job classifications of "Engineering Technician III" & "Engineering Technician IV", the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY CREATING THE CLASSIFICATIONS OF "RADIO SYSTEM LEAD TECHNICIAN" & "UTILITY PLANT MECHANIC II" & BY DELETING THE CLASSIFICATIONS OF "ENGINEERING TECHNICIAN I," "UTILITY WORKER," "ASSISTANT WASTEWATER TREATMENT PLANT OPERATOR," & "WASTEWATER TREATMENT PLANT OPERATOR I" - CLERK read an ordinance, introduced by Jerry Shoecraft, amending Sec. 5 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classifications of "Radio System Lead Technician" & "Utility Plant Mechanic II", & by deleting the job classifications of "Engineering Technician I," "Utility Worker," "Assistant Wastewater Treatment Plant Operator", & "Wastewater Treatment Plant Operator I", the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTERS "A" & "C" BY CHANGING THE TITLES FROM "ENGINEERING TECHNICIAN II" TO "ENGINEERING TECHNICIAN," FROM "CIVIL ENGINEER I" TO "CIVIL ENGINEER," FROM "COMMUNICATIONS SYSTEMS MAINTENANCE SUPERVISOR" TO "RADIO SYSTEM SUPERVISOR," FROM "WASTEWATER TREATMENT PLANT OPERATOR II" TO "WASTEWATER TREATMENT PLANT OPERATOR," TO CHANGE THE CLASS CODE OF "UTILITIES SERVICE SUPERVISOR" FROM CLASS CODE "5335" TO "1142" -

CLERK read an ordinance, introduced by Jerry Shoecraft, amending Sec. 1 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by changing the class title of "Civil Engineer I" to "Civil Engineer" & by changing the class code for the job classification "Utilities Service Supervisor" from 5335 to 1142; & by amending Sec. 3 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by changing the class title of "Engineering Technician II" to "Engineering Technician", changing "Communications Systems Maintenance Supervisor" to "Radio System Supervisor", & changing "Wastewater Treatment Plant Operator II" to "Wastewater Treatment Plant Operator", the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY CHANGING THE CLASS TITLE FROM "UTILITY PLANT MECHANIC" TO "UTILITY PLANT MECHANIC I" - CLERK read an ordinance, introduced by Jerry Shoecraft, amending Sec. 5 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by changing the job classification title of "Utility Plant Mechanic" to "Utility Plant Mechanic I", the second time.

AUTHORIZING THE ISSUANCE OF \$3,500,000 CITY OF LINCOLN, NEBRASKA MUNICIPAL INFRASTRUCTURE REDEVELOPMENT FUND BONDS, SERIES 2000 - PRIOR to reading:

FORTENBERRY Moved for Bill 00-97 to have 3rd Reading on this date.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jerry Shoecraft, authorizing & providing for the issuance, sale, & delivery of up to but not to exceed \$3,500,000 City of Lincoln, Nebraska, Municipal Infrastructure Redevelopment Fund Bonds, Series 2000, the second time. **(See further Council Action under "ORDINANCES - 3RD READING".)**

#### MISCELLANEOUS BUSINESS

##### PENDING LIST -

COOK Moved to extend the Pending List for 1 week.

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

##### UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on May 22, 2000.

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### ADJOURNMENT

2:40 P.M.

COOK Moved to adjourn the City Council Meeting of May 15, 2000.

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

---

Paul A. Malzer, Jr., City Clerk

---

Teresa J. Meier-Brock, Office Assistant III

